

*Section 4*  
*#3*  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Application of: Mark S. Ortiz et al.

Application No.: 09/558,233

Filed: April 26, 2000

For: **VARIABLE MOTION SYSTEM AND  
METHOD**



Group Art Unit: 2837

Examiner: Not Yet Assigned

Attorney Docket No.: 3001-039

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**  
Filing Date Granted

Attention: Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application, dated August 8, 2000, enclosed are copies of the Notice (Form PTO-1533) and the Declaration and Power of Attorney signed by Mark S. ORTIZ; Emil D. BOGDANOV; Mohammad R. NAJI; Keith G. JACOBS; Gregory A. BOLOGNA; and Donald A. ARMS.

It is believed that a fee in the amount of \$130.00 is due for this submission. Please charge such fee, and any other fees that may be required, to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

*By* *Larry W. Jones* *Reg #40,038*

*Allan A. Fanucci*

Allan A. Fanucci

Reg. No. 30,256

Date: 8/11/00

**PENNIE & EDMONDS LLP**  
1667 K Street, N.W.  
Washington, D.C. 20006  
(202) 496-4400

Enclosures

## FORMALITIES LETTER



\*OC00000005303876\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/558,233	04/26/2000	Mark S. Ortiz	3001-0039

20582  
 PENNIE & EDMONDS LLP  
 1667 K STREET NW  
 SUITE 1000  
 WASHINGTON, DC 20006



Date Mailed: 08/08/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

08/15/2000 GTEFFERA 00000074 161150 09558233

01 FC:105 130.00 CH

FILE COPY

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mark S. Ortiz et al.

Application No.: 09/558,233

Filed: April 26, 2000

For: **VARIABLE MOTION SYSTEM  
AND METHOD**



Group Art Unit: 2837

Examiner: Not Yet Assigned

Attorney Docket No.: 3001-039

TC 2700 MAIL ROOM

SEP 19 2000

RECEIVED

**REQUEST FOR CORRECTED FILING RECEIPT**

Assistant Commissioner for Patents  
Attn: **Application Processing Division's  
Customer Correction Branch**  
Washington, D.C. 20231

RECEIVED  
AUG 24 2000  
TECHNOLOGY CENTER 2800

Sir:

Applicants respectfully request that the Patent Office correct the Filing Receipt for the above-identified application. The city of the sixth named inventor, Donald A. ARMS, has been misspelled on the Filing Receipt. The Declaration and Power of Attorney filed with this application indicates the correct spelling of Middletown, Ohio. Also enclosed is a copy of the incorrect Filing Receipt containing the change necessary to correct this error.

No fee is believed to be due for the submission of this Request. Should any fees be required, however, please charge such fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

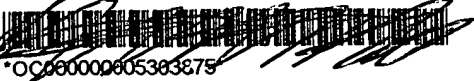
*By Law Offices Reg #40,038*  
*Allan A. Fanucci*

Date 8-11-00

Allan A. Fanucci 30,256 (Reg. No.)

PENNIE & EDMONDS LLP  
1667 K Street, N.W.  
Washington, DC 20006  
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Enclosure

**FILING RECEIPT**
**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: ASSISTANT SECRETARY AND  
 COMMISSIONER OF PATENT AND TRADEMARKS  
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/558,233	04/26/2000	2837	798	3001-0039	11	26	2

20582  
 PENNIE & EDMONDS LLP  
 1667 K STREET NW  
 SUITE 1000  
 WASHINGTON, DC 20006

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 SEP 19 2000  
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Date Mailed: 08/08/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Mark S. Ortiz, Milford, OH ;  
 Emil D. Bogdanov, Loveland, OH ;  
 Mohammad R. Naji, Loveland, OH ;  
 Keith G. Jacobs, Loveland, OH ;  
 Gregory A. Bologna, Loveland, OH ;  
 Donald A. Arms, Middletown, OH ;

Middletown

**Continuing Data as Claimed by Applicant**

THIS APPLN CLAIMS BENEFIT OF 60/131,027 04/26/1999  
 WHICH CLAIMS BENEFIT OF 60/137,346 06/03/1999  
 WHICH CLAIMS BENEFIT OF 60/144,483 07/17/1999  
 WHICH CLAIMS BENEFIT OF 60/185,019 02/25/2000  
 WHICH CLAIMS BENEFIT OF 60/185,020 02/25/2000  
 WHICH CLAIMS BENEFIT OF 60/185,065 02/25/2000

**Foreign Applications**

If Required, Foreign Filing License Granted 08/07/2000

Title

Variable motion system and method

**Preliminary Class**

318

**Data entry by : ARMSTEAD, LORRAINE****Team : OIPE****Date: 08/08/2000**

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."

Any corrections that may need to be done to your Filing Receipt should be directed to;

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

Bib Data Sheet

**FILE COPY**
**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

#4

<b>SERIAL NUMBER</b> 09/558,233	<b>FILING DATE</b> 04/26/2000 <b>RULE</b> -	<b>CLASS</b> 318	<b>GROUP ART UNIT</b> 2837	<b>ATTORNEY DOCKET NO.</b> 3001-0039
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**APPLICANTS**

Mark S. Ortiz, Milford, OH ;  
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 Gregory A. Bologna, Loveland, OH ;  
 Donald A. Arms, Middletown, OH ;

**\*\* CONTINUING DATA \*\*\*\*\***

THIS APPLN CLAIMS BENEFIT OF 60/131,027 04/26/1999  
 WHICH CLAIMS BENEFIT OF 60/137,346 06/03/1999  
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 WHICH CLAIMS BENEFIT OF 60/185,019 02/25/2000  
 WHICH CLAIMS BENEFIT OF 60/185,020 02/25/2000  
 WHICH CLAIMS BENEFIT OF 60/185,065 02/25/2000

**\*\* FOREIGN APPLICATIONS \*\*\*\*\***

**IF REQUIRED, FOREIGN FILING LICENSE GRANTED**  
**\*\* 08/07/2000** -

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	<b>STATE OR COUNTRY</b> OH	<b>SHEETS DRAWING</b> 11	<b>TOTAL CLAIMS</b> 26	<b>INDEPENDENT CLAIMS</b> 2
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged Examiner's Signature _____ Initials _____				

**ADDRESS**

20582

**TITLE**

Variable motion system and method

<b>FILING FEE RECEIVED</b> 928	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
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